

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**October 11, 2011**

**IN RE:**

**TRAFFIC EXCHANGE AGREEMENT BY AND  
BETWEEN PEOPLES TELEPHONE COMPANY  
AND SPRINT SPECTRUM, L.P.**

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**DOCKET NO.  
11-00152**

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**ORDER APPROVING THE TRAFFIC EXCHANGE AGREEMENT**

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This matter came before Chairman Eddie Roberson, Director Sara Kyle, and Director Mary W. Freeman, the voting panel of the Tennessee Regulatory Authority (the "Authority") assigned to this docket, at a regularly scheduled Authority Conference held on September 26, 2011 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the Traffic Exchange Agreement negotiated between Peoples Telephone Company ("Peoples Telephone") and Sprint Spectrum, L.P., filed on September 2, 2011.

Based upon a review of the agreement, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the panel unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104 (2004) and over interconnections between telecommunications service providers pursuant to Tenn. Code Ann. § 65-4-124(a) and (b) (2004).
  - 2) The agreement is in the public interest as it provides consumers within Peoples Telephone's service area with alternative sources of telecommunications services.
  - 3) The agreement does not discriminate against telecommunications service providers that are not parties thereto.
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4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only upon finding that it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. § 251 or § 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists with respect to the Petition, this Order should not be construed as finding that the agreement is consistent with § 251, § 252(d), or, for that matter, previous Authority decisions.


5) No person or entity has sought to intervene in this docket.

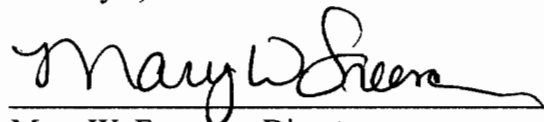
6) The agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. §§ 65-4-104 (2004) and 65-4-124(a) and (b) (2004) or, in the alternative, pursuant to Tenn. Code Ann. § 65-5-109(m) (2009).

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the Traffic Exchange Agreement negotiated between Peoples Telephone Company and Sprint Spectrum, L.P. is approved and is subject to review by the Authority as provided herein.

  
Eddie Roberson, Chairman

  
Sara Kyle, Director

  
Mary W. Freeman, Director

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<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B).